

REMARKS

By this Amendment, claims 25 and 37 are amended. Claims 26-36 and 38-48 remain in the application. Thus, claims 25-48 are active in the application. Reexamination and reconsideration of the application are respectfully requested.

In item 4 on page 2 of the Office Action, claims 25 and 37 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention.

Claims 25 and 37 have each been amended to clarify the limitation added to claims 25 and 37 in the October 28, 2005 Amendment After Final. The Examiner correctly believed that the limitation added to claims 25 and 37 referred to the data converted by the data conversion unit. However, the Examiner did not believe that the added limitation referred to the data converted by the data conversion unit.

Additionally, the Examiner believed that the use of the word “reproduced” is incorrect because claims 25 and 37 do not recite the information terminal as reproducing data.

The information provider apparatus of the present invention provides information which is requested is to be distributed by an information terminal. The information terminal automatically transmits specifications of the information terminal when transmitting an information provision request requesting distribution of the present invention. A data detection unit comprised in the information provider apparatus detects stored data which corresponds to the information provision request received from the information terminal.

An object of the present invention is to prevent an information terminal from being charged for higher quality data if the information terminal does not possess the reproduction capabilities to reproduce the higher quality data. For example, cellular phones have inferior image reproduction capabilities to those of a personal computer (PC). The cellular phone and PC are both information terminals which can transmit an information provision request for information such as image data to an information provider apparatus (e.g., a server). The PC can reproduce high resolution image data transmitted from the information provider apparatus in response to the information provision request, but because the cellular phone does not possess the reproduction

capabilities to reproduce high resolution image data, the cellular phone will not be able to reproduce the high resolution image data transmitted from the information provider apparatus and will still be charged for receiving this high resolution image data even though it cannot be reproduced by the cellular phone.

On the other hand, if attempts were made to accommodate the reproduction capabilities of the cellular telephone by causing the information provider apparatus to send lower resolution image data to all information terminals requesting image data, both the cellular phone and PC would receive lower resolution image data in response to an information provision request transmitted therefrom. However, in the this situation, because lower resolution image data is received by the PC to accommodate information terminals with inferior reproduction capabilities, the functions and reproduction capabilities of the PC would not be sufficient utilized.

Accordingly, the data conversion unit of the information provider apparatus is operable to convert the data detected by the data detection unit to data having a quality which is adaptable to an information reproduction capability of the information terminal which is determined by the information terminal specifications transmitted from the information terminal when transmitting an information provision request.

Furthermore, unlike conventional systems, the data conversion unit does not convert the data to a different format when it converts the detected data to data having a quality which is adaptable to an information reproduction capability of the information terminal. Instead, the data conversion unit reduces the amount of data transmitted to the information terminal, but keeps the data corresponding to the information provision request in the same data format as the data which is reproducible by the information terminal.

Claims 25 and 37 were amended in the October 28, 2005 to recite this feature of the present invention. However, in view of the Examiner's assertion that the limitations added to claims 25 and 37 were unclear, claims 25 and 37 have been amended to clarify this feature of the present invention.

In particular, the claims 25 and 37 have each been amended to recite that the data conversion unit is operable to convert the data detected by the data detection unit to data having a quality which is adaptable to an information reproduction capability of the

information terminal, where the converted data is in the same data format as the data which is reproducible by the information terminal.

In view of this amendment to claims 25 and 37, the Applicant respectfully submits that claims 25 and 37 are definite by particularly pointing out and distinctly claiming the subject matter which the Applicant regards as the invention. Accordingly, the Applicant respectfully requests the Examiner to withdraw the rejection of claims 25 and 37 under 35 U.S.C. § 112, second paragraph.

In item 8 on page 3 of the Office Action, claims 35-48 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith et al. (U.S. 6,192,407) in view of Shaffer et al. (U.S. 6,092,114). This rejection is respectfully traversed for the following reasons.

In the data distribution system of the present invention, the information terminal automatically transmits its specifications when transmitting an information provision request which requests distribution of information including still picture data, moving picture data or audio data from the information provider apparatus. Alternatively, the information terminal of the data distribution system of the present invention automatically transmits its information terminal ID to the information provider apparatus when transmitting an information provision request which requests distribution of information including still picture data, moving picture data or audio data from the information provider apparatus, and the information provider apparatus stores and manages the information terminal ID and the specifications of the information terminal in correspondence with each other.

The information provider apparatus then transmits the requested still picture data, moving picture data or audio data to the information terminal by detecting, from a data storage unit, information corresponding to the information requested in the information provision request.

The information provider apparatus also converts the detected data to data having a quality which is adaptable to an information reproduction capability of the information terminal which is determined by the specifications of the information terminal, where the converted data is in the same data format as the data which is reproducible by the information terminal.

Accordingly, while the information provider apparatus converts data corresponding to data requested by the information terminal to have a quality which is adaptable to an information reproduction capability of the information terminal, but the information provider apparatus does not convert a data format of the requested data to a data format which is reproducible by the information terminal.

Therefore, according to the data distribution system of the present invention, it is possible to transmit appropriate information having a quality which reflects the information reproduction capabilities of the information terminal by converting the requested information to the reproduction capabilities of the information terminal but without changing the data format of the requested information, and to appropriately charge for the transmitted data according to the information reproduction capabilities of the information terminal. In other words, an information user of the information terminal is not charged for higher quality versions of requested information if the information user's information terminal does not possess the information reproduction capabilities to properly reproduce the higher quality versions of the requested information.

Claims 25 and 37 recite the above-described features of the present invention. In particular, as described above, claims 25 and 37 recite the information provider apparatus as comprising a data conversion unit which is operable to convert the data detected by the data detection unit to data having a quality which is adaptable to an information reproduction capability of the information terminal, where the converted data is in the same data format as the data which is reproducible by the information terminal.

Smith et al. discloses a document delivery system which generates private Uniform Resource Locators (PURLs) to distribute information, where each PURL uniquely identifies an intended recipient of a document, a document or a set of documents to be delivered and other parameters which are specific to the delivery process. The PURLs do not attach information to a message (e.g., e-mail) to send documents to an intended recipient. Instead, the PURLs attach a general reference to a document to be sent, and then enable the recipient to access a document via the attached reference. Further, Smith et al. discloses that the reference attached to the document can be intercepted by a server in order to decrypt a document or to provide tracking

capabilities by noticing and recording when the intended recipient accesses the transmitted document (see Column 15, lines 4-27).

The document delivery system of Smith et al. includes a sender 300 who sends a document 310, and a server 315 which stores the documents and generates a PURL for each intended recipient 320 of the document. The server 315 generates the PURL by encoding user information and document information and delivery parameters or transaction identifiers within the PURL. The server 315 then forwards the PURL to each intended recipient 320 so as to notify the recipient 320 that a document has been sent to him or her (see Column 15, lines 28-42 and Figure 20).

Smith et al. discloses that in order to access the document, the recipient 320 presents the received PURL to the server 315, whereupon the server 315 determines the next action to be taken, such as whether to require a password from the recipient 320 before the document can be accessed, whether to log that the document was accessed successfully or that the delivery of the document was successful in a database. In addition, the server can log the IP address of the recipient 320, or the server can log the IP address of any subsequent access to a given document with the same PURL (see Column 15, line 43 to Column 16, line 20).

As acknowledged by the Examiner, Smith et al. does not disclose or suggest a document delivery system which supports the transmission of multimedia data types including still picture data, moving picture data or audio data. The Examiner applied Shaffer et al. to teach this feature of the present invention.

Nevertheless, while Smith et al. discloses a document delivery system in which the server 315 delivers a document 310 including private and trackable URLs to a recipient 320, Smith et al. does not disclose or suggest that the recipient 320 automatically transmits specifications concerning an information reproduction capability of the recipient 320 when the recipient transmits an information request, as recited in claims 25 and 37.

Therefore, in contrast to claims 25 and 37, Smith et al. does not disclose or suggest an information terminal which automatically transmits its specifications to an information provider apparatus when transmitting a request for distribution of information, where the information reproduction capability of the information terminal is

determined in the information provider apparatus by the specifications of the information terminal received by the information provider apparatus.

Furthermore, in contrast to claims 25 and 37, the server 315 of Smith et al. includes a format translator which examines attributes of store items 48 (which includes a tree of binary files 34 and a descriptor 36, see Column 4, lines 35-36) and translates the formats of files stored in the server 315 so that the store items 48 are reproducible by the intended recipient (see Column 5, lines 10-30).

Therefore, in stark contrast to claims 25 and 37, Smith et al. does not disclose or suggest that the sever 315 converts the data to be sent to the recipient 320 to data having a quality which is adaptable to an information reproduction capability of the information terminal, where the converted data is in the same data format as the data which is reproducible by the information terminal.

In addition, Shaffer et al. does not disclose or suggest an information provider apparatus having a data conversion unit operable to convert the detected data to data having a quality which is adaptable to an information reproduction capability of the information terminal which is determined by the specifications of the information terminal, where the converted data is in the same data format as the data reproduced by the information terminal, as recited in claims 25 and 37.

Accordingly, Smith et al. and Shaffer et al. clearly fail to disclose or suggest each and every limitation of claims 25 and 37.

To establish *prima facie* obviousness of a claimed invention under 35 U.S.C. 103(a), all of the claim limitations must be disclosed or suggested by the applied prior art. See CFMT, Inc. v. YieldUp Int'l Corp., 349 F.3d 1333, 1342, 68 U.S.P.Q.2D 1940, 1946-47 (Fed. Cir. 2003); In re Royka, 490 F.2d 981, 985, 180 U.S.P.Q. 580, 583 (C.C.P.A. 1974).

Therefore, no obvious combination of claims 25 and 37 would result in the inventions of claims 25 and 37 since Smith et al. and Shaffer et al., either individually or in combination, clearly fail to disclose or suggest each and every limitation of the invention of claims 25 and 37.

Furthermore, it is submitted that the clear distinctions discussed above are such that a person having ordinary skill in the art at the time the invention was made would not

have been motivated to modify Smith et al. and Shaffer et al. in such a manner as to result in, or otherwise render obvious, the present invention as recited in claims 25 and 37.

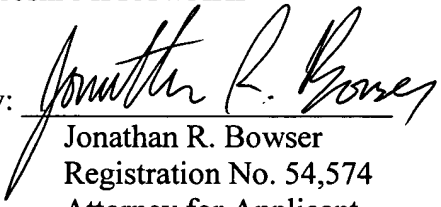
Therefore, it is submitted that the claims 25 and 37, as well as claims 26-36 and 38-48 which depend therefrom, are clearly allowable over the prior art as applied by the Examiner.

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is clearly in condition for allowance. An early notice thereof is respectfully solicited.

If, after reviewing this Amendment, the Examiner feels there are any issues remaining which must be resolved before the application can be passed to issue, the Examiner is respectfully requested to contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

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